

## REMARKS

Claims 1, 2, 8 and 9 are pending and in consideration in the above-identified application, and Claims 3 – 7 and 10 – 14 were previously cancelled.

In the Office Action, Claims 1, 2, 8 and 9 were rejected.

In this Amendment, Claims 1 and 8 are amended. No new matter has been introduced as a result of this Amendment.

Accordingly, Claims 1, 2, 8 and 9 are at issue.

### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1- 2 and 8 – 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 2002-15771, hereafter referred to as JP'771, in view of Coowar (U.S. Publication 2004/0048165), and further in view of either a) Morigaki et al. (US 6,821,675) or b) Shiozaki et al. (US 7,393,476).

Claim 1 is directed to an electrolyte.

In relevant part, Claim 1 recites that:

“...An electrolyte, comprising:

an electrolytic solution consists of at least one selected from the group consisting of vinylethylene carbonate and its derivatives in the range of 0.05 wt % to 5 wt % in total; and

a polymer,

wherein,

said polymer is gelatinized with said electrolytic solution, and said electrolytic solution is diffused or held within said polymer,

said electrolytic solution consists of 95 wt % or more of a combination of ethylene carbonate and propylene carbonate to complement the at least one selected from the group consisting of vinylethylene carbonate and its derivatives, and

said polymer contains any one from the group consisting of polyethylene oxide, polypropylene oxide, and poly methacrylic nitrile as a monomer unit.”

That is, the claimed electrolyte consists of 95 wt % or more of a combination of ethylene carbonate (EC) and propylene carbonate (PC), and vinylethylene carbonate (VC) and its derivatives in the range of 0.05 wt % to 5 wt % in total. Consisting of the mentioned ratio of the high dielectric carbonate of EC and PC with little amount of VC in combination and the claimed polymer, good low-temperature characteristics and load characteristics of the battery are obtained without including Gamma-butyrolactone.

As stated in the previous paper submitted on March 24, 2009, when Gamma-butyrolactone is present in a solution, low storage characteristics are substantially reduced. The present invention attains the improvement of both the low-temperature characteristics and good storage characteristics without Gamma-butyrolactone, and both good low-temperature characteristics and good storage characteristics are obtained in combination with the claimed polymer.

In contrast, JP'771 requires Gamma-butyrolactone (BL) as an essential and necessary element of the claimed electrolyte as disclosed in Table 5 and at least Paragraphs [0099] – [0101] that (emphasis added):

“[0098] The reason for specifying the rate to the whole non-aqueous solvent of each solvent in said range is explained.

[0099] a. Gamma-butyrolactone (BL)

It is become easy to generate gas at the time of an elevated temperature that the ratio (z) to the whole non-aqueous solvent of BL is under 30 volume %. Moreover, since each of other solvents is annular carbonate, if the ratio of BL is made under into 30 volume %, the ratio of annular carbonate will become high relatively and solvent viscosity will become remarkably high. Consequently, since the conductivity and permeability of nonaqueous electrolyte fall sharply, a charge-and-discharge cycle property and the discharge property under the low-temperature environment near -20 degree C fall. On the other hand, if a ratio exceeds 85 volume %, since the reaction of a negative electrode and BL will arise, a charge-and-discharge cycle property falls. That is, if a negative electrode (for example, thing containing the carbonaceous object which carries out occlusion emission of the lithium ion), and BL react and reduction decomposition of nonaqueous electrolyte arises, the coat which checks a charge-and-discharge reaction on the surface of a negative electrode will be formed. Consequently, since it becomes easy to produce current concentration in a negative electrode, a lithium metal deposits, or the impedance of a negative-electrode interface becomes high, the charge-and-discharge effectiveness of a negative electrode falls to a negative-electrode front face, and the fall of a charge-and-discharge cycle property is caused. A more desirable ratio is 35 volume % - 85 volume %, a still more desirable ratio is below 75 volume % more than 35 volume %, and the most desirable ratio is below 75 volume % more than 55 volume %.

“[0100] b. Ethylene carbonate (EC)

Since there is a possibility that it may become difficult to cover a negative-electrode front face by the protective coat when the ratio (x) to the whole non-aqueous solvent of EC is made under into 15 volume %, the reaction of a negative electrode and BL progresses and it becomes difficult to fully improve a charge-and-discharge cycle property. On the other hand, since there is a possibility that the viscosity of nonaqueous electrolyte may become high and ionic conductivity may fall when the ratio of EC exceeds 50 volume %, it becomes difficult to fully improve a charge-and-discharge cycle

property and a low-temperature discharge property. The more desirable range of the ratio of EC is below 50 volume % more than 20 volume %, and the still more desirable range is below 40 volume % more than 20 volume %.

[0101] c. Propylene carbonate (PC)

If the ratio (y) to the whole non-aqueous solvent of PC is made under into 2 volume %, it becomes difficult to carry out cburnation of the protective coat on the front face of a negative electrode, the reaction of a negative electrode and BL will progress and it will become difficult to fully improve a charge-and-discharge cycle property and a low-temperature discharge property. *On the other hand, if the ratio of PC exceeds 35 volume %, the viscosity of nonaqueous electrolyte will become high and ionic conductivity will fall. Moreover, the generation of gas at the time of elevated-temperature storage and an initial charge becomes remarkable, and it becomes difficult to fully improve a charge-and-discharge cycle property. The more desirable range of the ratio of PC is below 30 volume % more than 2 volume %, the still more desirable range is below 25 volume % more than 2 volume %, and the still more desirable range is below 20 volume % more than 2 volume %. The most desirable range is below 20 volume % more than 3 volume %.*

Thus, JP'771 requires BL as an essential and necessary element of the electrolyte, participating with a necessary ratio of 30 - 85 volume % to improve low-temperature characteristics.

Moreover, the contents of both EC and PC in the electrolyte taught by JP'771 are in the range of 70 wt % or less based on the fact that the content z of gamma-butyrolactone (BL), given in wt% or volume, is characterized by  $30 \leq z \leq 85$ , which is outside the "95 wt % or more" range of the combination of EC and PC claimed in the present invention. Further, as stated earlier since each of other solvents is annular carbonate, if the ratio of BL is made under into 30 volume %, the ratio of annular carbonate will become high relatively and solvent viscosity will become remarkably high. Consequently, the conductivity and permeability of nonaqueous electrolyte fall sharply, a charge-and-discharge cycle property and the discharge property under the low-temperature environment near -20 degree C fall.

In addition, each of Coowar, Morigaki and Shiozaki also fails to teach or suggest an electrolyte that consists of 95 wt % or more of a combination of ethylene carbonate (EC) and propylene carbonate (PC), and vinylethylene carbonate (VC) and its derivatives in the range of 0.05 wt % to 5 wt % in total, as required by Claim 1.

As such, Claim 1 is patentable over the cited references, taken singly or in any combination with each other, as is dependent Claim 2, for at least the same reasons.

Independent Claim 8 recites the same distinguishable limitation as that of Claim 1. Thus, Claim 8 is patentable over the cited references, as is dependent Claim 9, for at least the same reasons.

Accordingly, Applicants respectfully request that these claim rejections be withdrawn.

**II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-2, and 8 - 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication JP'771, in view of Japanese publication JP 2001-057234 (JP'234), and further in view of either a) Morigaki et al. (US 6,821,675) or b) Shiozaki et al. (US 7,393,476).

In addition to JP'771, Morigaki and Shiozaki, JP'234 fails to teach or suggest an electrolyte that consists of 95 wt % or more of a combination of ethylene carbonate (EC) and propylene carbonate (PC), and vinylethylene carbonate (VC) and its derivatives in the range of 0.05 wt % to 5 wt % in total, as required by Claim 1.

Therefore, Claims 1 and 8 are patentable over the cited references, taken singly or in any combination with each other, as are their corresponding dependent Claims 2 and 9, for at least the same reasons.

Accordingly, Applicants respectfully request that these claim rejections be withdrawn.

**III. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1, 2, 8 and 9 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

If the claims are not found to be in condition for allowance, the Examiner is requested to contact the undersigned to schedule an interview before the mailing of the Office Action. Any communication initiated by this paragraph should be deemed an Applicant initiated interview.

Respectfully submitted,

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